

Application No. 09/594,374
Amdt. dated October 30, 2003
Reply to Office Action of July 31, 2003

R E M A R K S / A R G U M E N T S

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated July 31, 2003, claims 1-12 are pending in the application. Claims 13-19 have been added. Applicants respectfully request the Examiner for reconsideration.

An error in Figure 4 was found. A revised Figure 4 changing 40i to 403 is submitted herewith.

Claim 8 stands objected to for an informality. Claim 8 has been revised to restate that the communication signals are generated from a second payload rather than the second beam as previously recited. Applicants believe that this amendment overcomes the objection to claim 8.

Claims 1-2, 5-6, and 8-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Tuck* (5,584,047).

Claims 3-4 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tuck*. Applicants have amended claim 1 to include the limitations of claims 3 and 4. Claim 1 now recites a communication system for use with geosynchronous satellite systems broadcasting a first beam at a first frequency. The communication system comprises a first stratospheric platform that generates a second beam having the first frequency, a second stratospheric platform generating a third beam having the first frequency and user terminals that are configured to receive the first beam, the second beam, and the third beam.

At the end of page 4 of the Office Action, the Examiner states "...Tuck fails to explicitly recite a second stratospheric platform." It is the Examiner's position that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. Applicants respectfully submit that the addition of a second stratospheric platform is more than just a mere duplication of a part. In such a system, the user terminals must be configured to receive the beam from the second stratospheric platform. That is, the user terminals must now be configured to have a field of view wide enough to receive beams from the two stratospheric platforms and the satellite. One advantage of the present invention is that the stratospheric platforms may be located in various locations relative to the satellite. That is, the stratospheric platforms do not need to be located in the side lobe of the ground antenna. Applicants believe that coordinating the position of the stratospheric platform in a side lobe

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relative to each user in a multi-user system ("user terminals") is not practical. That is, the position of each side lobe limits the system to a greater extent than would a fixed blocking area of the application incorporated by reference in the first paragraph of the present application. Applicants therefore respectfully request the Examiner to reconsider the rejection of claim 1. Likewise, claims 2 and 5 should also be allowable for the same reasons set forth above since they add further limitations to claim 1.

Claim 6 is directed to a communication system that has a first stratospheric platform having a primary load and a secondary load. The secondary load generates the communication signals at the first frequency which is also used in the geosynchronous satellite. The Examiner points to the uplink 68 and downlink 26 in Fig. 10B for a primary and secondary payload. Applicants, however, respectfully submit that the uplink 68 and downlink 26 are part of the same payload and not a secondary payload. The primary payload and secondary payload are described on page 7, lines 6-10 of the present application. By providing the communications signal from a secondary payload, the system expense particularly for a new system, may be reduced. Therefore, Applicants respectfully request the Examiner to reconsider claims 6 and dependent claims 7-8.

Claim 9 is a method claim and has been amended to include generating a second beam using the first frequency from a stratospheric platform and generating a third beam using the first frequency from a second stratospheric platform. These limitations are similar to claim 1 and are thus believed to be allowable for the same reasons set forth above. Likewise, claims 10-12 should also be allowable for the same reasons set forth above since they add further limitations thereto.

Claim 14 corresponds to Fig. 4 and finds support on page 7 of the specification.

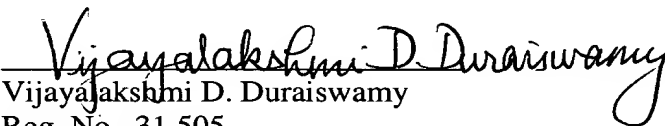
Claim 17 corresponds to Fig. 5 and finds support beginning on page 7, line 22.

Applicants respectfully submit that the limitation in claims 14 and 17 are not taught or suggested in the *Tuck* reference. Applicants therefore respectfully request the Examiner to allow these claims as well. Likewise, claims 15, 16, 18, and 19 are also believed to be allowable.

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In light of the above amendments and remarks, Applicants submit that the objections and rejections are now overcome. Applicants have added no new material to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,


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Enc.: Supplemental IDS, PTO-1449 and copies of references

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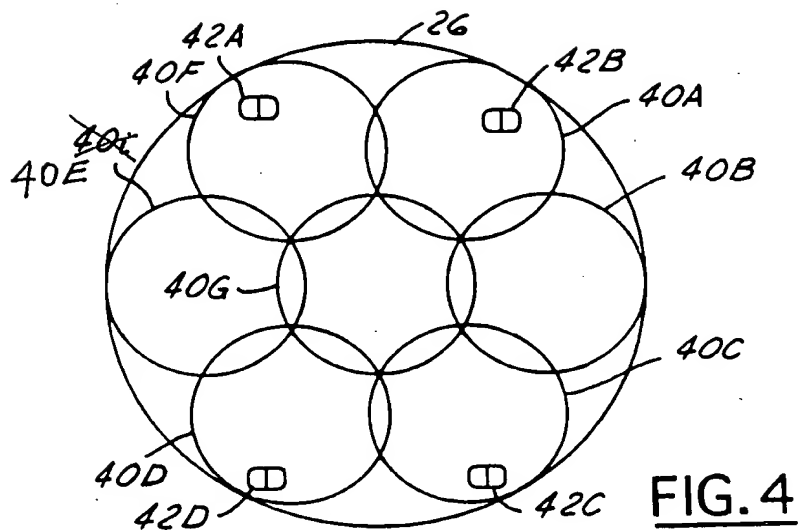


FIG. 4

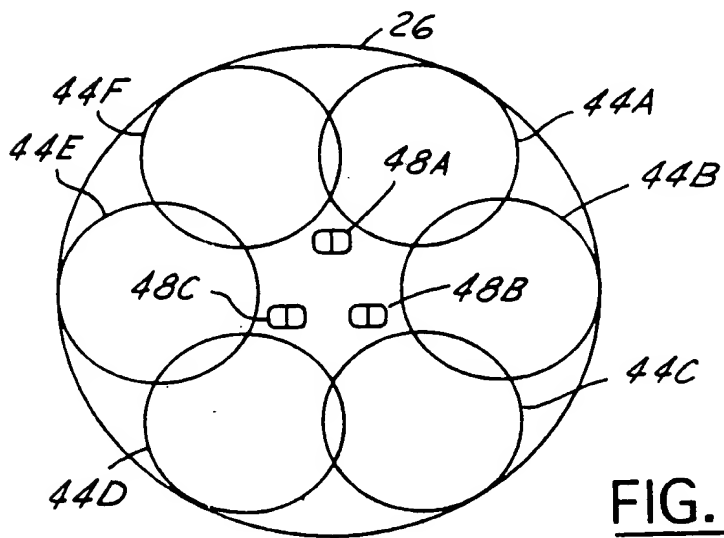


FIG. 5